IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4531 of 2006()

CRA.1096/2005 of SESSIONS COURT, ERNAKULAM
CC.763/2002 of JUDL.MAGISTRATE OF FIRST CLASS-II, ALUVA

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REVN. PETITIONER:

PAUL VARGHESE,
S/O. A.P. VARGHESE,
ANTHIKKADU HOUSE,
ELOOR,
SOUTH ELOOR.

BY ADV. SRI.ABRAHAM MATHEW (VETTOOR)

RESPONDENTS:

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1. M.K. FEN,
S/O. LATE KURIAN,
AGED 59 YEARS,
RESIDING AT MALAMEL HOUSE,
THRIKKAKARA,
EDAPPALLY, KOCHI-682 024.

2. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY P.P. SRI.C.K. SURESH.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 19/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.R.P.NO. 4531 OF 2006

Dated this the 19th day of December, 2006

ORDER

This revision petition is directed against a concurrent verdict of guilty, conviction and sentence in a prosecution under Sec.138 of the N.I. Act.

2. The cheques – three in number, are for a total amount of Rs.70,000/-. The petitioner now faces a sentence of imprisonment till rising of court and to pay an amount of Rs.80,000/- as compensation and in default, to undergo simple imprisonment for a period of two months.

3. When this petition came up for hearing, the learned counsel for the petitioner does not strain to assail the verdict of guilty and conviction on any specific grounds. The sentence imposed is also absolutely reasonable and there is no space for any further indulgence or leniency. The learned counsel for the petitioner prays that the petitioner may be given some further time to appear before the learned Magistrate to pay the amount and avoid the default sentence.

4. In the circumstances explained, I am persuaded to

agree that the petitioner can be granted a reasonable further time to make the payment.

5. In the nature of the relief which I propose to grant, I am satisfied that it is not necessary to wait for issue and return of notice to the respondent/complainant in this revision petition.

6. In the result, this revision petition is dismissed; but it is directed that the learned Magistrate shall not execute the sentence prior to 15/2/2007. The petitioner shall appear before the learned Magistrate on or before that date to serve the impugned sentence.

7. Hand over a copy of this order to the learned counsel for the petitioner.

Sd/-
(R. BASANT, JUDGE)

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P.S. to Judge